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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,218

07/17/2006

Wilhelmus Franciscus Fontijn

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02/25/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CONNOLLY, MARK A

ART UNIT

PAPER NUMBER

2115

MAIL DATE

DELIVERY MODE

02/25/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,218	<b>Applicant(s)</b> FONTIJN, WILHELMUS FRANCISCUS	
	<b>Examiner</b> MARK CONNOLLY	<b>Art Unit</b> 2115	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 2-9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 14 is objected to because of the following informalities: “relative quick” should be corrected to recite “relatively quick”. Appropriate correction is required.
2. Claim 15 is objected to because of the following informalities: “data drive” should be corrected to recite a “data disc drive” as referred to in independent claim 10. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The term "relatively quick" in claim 14 is a relative term which renders the claim indefinite. The term "relatively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Jane's ATF ADVANCED TACTICAL FIGHTERS [Janes].

7. Referring to claim 1, Janes teaches the data disc comprising:

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- a. a first boot area [pg. 47 section Creating a shortcut to ATF]. Windows '95 is interpreted as being in a first boot area.
  - b. a second boot area, wherein depending on an application, the disc is enabled to be booted from one of the first boot area and the second boot area [pgs. 47-55]. Booting into MS-DOS is interpreted as being booted from a second boot area. Lastly, the hard disk which stores both the windows and DOS operating systems is interpreted as a data disc.
8. Referring to claim 10, this is rejected on the same basis as set forth hereinabove. In addition, Janes teaches booting to MS-DOS in response to running the simulator. Therefore, the Windows operating system is interpreted as being stored in a standard boot area and DOS is interpreted as being stored in application specific boot area.
9. Referring to claim 14, because MS-DOS is a basic operating system, is interpreted as providing a relatively quick boot process.
10. Referring to claim 16, this is rejected on the same basis as set forth hereinabove. In particular, the combat simulator is interpreted as a gaming application.
11. Claims 1, 10 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Create Multi-Bootable CD/DVD image file [MagicISO].
12. Referring to claim 1, MagicISO teaches the data disc comprising:
  - c. a first boot area [pg. 2].
  - d. a second boot area, wherein depending on an application, the disc is enabled to be booted from one of the first boot area and the second boot area [pg. 2].

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In particular, MagicISO teaches generating a CD or DVD which allows a user to boot one of a plurality of boot images via menu. It is interpreted that a first boot image is stored in a first area while a second boot image is stored in a second area. In addition, the menu for selecting a particular boot image to execute is interpreted as an application.

13. Referring to claim 10, this is rejected on the same basis as set forth hereinabove. In addition, MagicISO teaches booting from a default item if no selection is made within a timeout period [pg. 3]. The storage location of the default item is interpreted as a standard boot area while the other boot image(s) (e.g. item(s)) are located in an application specific boot area.

14. Referring to claim 15, MagicISO teaches the disc as being a DVD. Therefore the data disc drive associated with the DVD is interpreted as a DVD optical drive.

15. Referring to claim 16, this is rejected on the same basis as set forth hereinabove. In particular, the menu, since it is resident on the data disc and therefore portable, is interpreted as a portable application.

#### ***Allowable Subject Matter***

16. Claims 2-9 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK CONNOLLY whose telephone number is (571)272-3666. The examiner can normally be reached on M-F 9AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Connolly/  
Primary Examiner, Art Unit 2115  
2/23/10

Mark Connolly  
Primary Examiner  
Art Unit 2115